

HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANASTASSIYA MIRONOVA,

Plaintiff

v.

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendant.

No. 2:23-cv-1305-JLR

STIPULATED MOTION FOR LEAVE TO
FILE ADMINISTRATIVE RECORD UNDER
SEAL AND ~~PROPOSED~~ ORDER

NOTED FOR: December 8, 2023

I. Relief Requested

The parties respectfully move the Court, pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5(g), to order that the administrative record in this action – the defendant insurance company’s claim file – be filed under seal, without redactions.

II. Relevant Facts and Legal Authority

This action arises under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001 et seq. The parties agree the Court will need to consider Defendant’s claim file to resolve the matter. That file is primarily medical records and other documents addressing Plaintiff’s medical condition.

STIPULATED MOTION FOR LEAVE TO FILE
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Although Local Civil Rule 5(g) establishes a strong presumption in favor of public access to court filings, the need to protect medical privacy qualifies as a “compelling reason” to allow records to be filed under seal. *Karpenski v. Am. Gen. Life Companies, LLC*, No. 2:12-CV-01569-RSM, 2013 WL 5588312 at *1 (W.D. Wash. Oct. 9, 2013) (citing *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)). See also, e.g., *S.L. by & through J.L. v. Cross*, No. C18-1308-RSL, -- F.Supp.3d --, 2023 WL 3738991, at *1 (W.D. Wash. May 31, 2023) (granting motion to file ERISA record under seal on the basis that it contains sensitive personal health information); *Cont'l Med. Transp. LLC v. Health Care Serv. Corp.*, No. C20-0115-JCC, 2021 WL 2072524, at *4 (W.D. Wash. May 24, 2021), *aff'd*, No. 21-35481, 2022 WL 2045385 (9th Cir. June 7, 2022) (granting motion to file ERISA record under seal for same reason); *Macon v. United Parcel Serv., Inc.*, No. C12-260-RAJ, 2013 WL 951013, at *5 (W.D. Wash. Mar. 12, 2013) (granting unopposed motion to seal medical records given the “private nature of the documents at issue”); *Gary v. Unum Life Ins. Co. of Am.*, No. 3:17-CV-01414-HZ, 2018 WL 1811470, at *3 (D. Or. Apr. 17, 2018) (“[t]he parties have not presented, and the Court is not aware of, any cases where medical information was not allowed to be filed under seal under the ‘compelling reasons’ standard.”).

Local Civil Rule 5.2(c) states that “in an action for benefits under the Social Security Act” the “administrative record must be filed under seal” because those “actions are entitled to special treatment due to the prevalence of sensitive information and the volume of filings.” *Id.* That reasoning applies to this action. Sensitive information is found throughout the claim file.

As certified below, the parties discussed whether redaction would be a suitable alternative. Due to the extensive redaction that would be necessary, the parties believe redaction is not a reasonable alternative. Federal Rule of Civil Procedure 5.2(d) provides that the “court

1 may order that a filing be made under seal without redaction” and the parties respectfully move
2 the Court to so order here.

3
4 **III. Local Rule 5 (g)(3)(A) Certification**

5 The parties certify pursuant to Local Rule 5(g)(3)(A) that the undersigned attorneys
6 conferred by telephone on November 30, 2023, to discuss this issue, and agreed redaction was
7 not a reasonable means to protect Plaintiff’s medical privacy as the documents would need to be
8 so extensively redacted.

9 **IV. Conclusion**

10 The parties respectfully move the Court to order that the administrative record in this
11 action be filed under seal, without redaction.

12
13 RESPECTFULLY SUBMITTED this 8th day of December 2023.

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ORDER

The Court GRANTS the parties' stipulated motion and ORDERS that the administrative record in this action be filed and maintained under seal. Pursuant to Federal Rule of Civil Procedure 5.2(d), the record need not be redacted.

DATED this 8th day of December 2023.



Honorable James L. Robart
United State District Judge